



## ENVIRONMENTAL LEGISLATION

# What are the forthcoming legislative issues of interest to ecologists and conservationists in 2013?

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This is our third review of the forthcoming environmental legislation likely to occur on a global scale, in the EU and in the UK and its constituent countries (Sutherland *et al* 2011, 2012). Our target has been researchers who may wish to offer input to policy making or for whom policy changes may have consequences (for example by providing new research opportunities). We have been delighted that many policy makers have also said that they find this useful. The previous scans are available on the BES website and we assume readers have access to these so do not repeat issues identified earlier.

This review encompasses possible forthcoming legislation, developments in existing legislation, white papers that may result in new laws and the reinterpretation of existing laws. Our objective is to identify the likely main consequences so that the reader can research further if interested rather than provide a comprehensive review. Our plan is to continue this as an annual exercise.

One overriding issue is the response of the public and private sector to the ongoing debt problems and recession in many countries, with repercussions for many aspects of global conservation. Cut backs to conservation and research and a tendency for a drive for growth at the cost of the environment are serious concerns.

## GLOBAL

### UNITED NATIONS CONFERENCE ON SUSTAINABLE DEVELOPMENT (RIO+20) OUTCOMES

The United Nations Conference on Sustainable Development (Rio+20) took place from 13-22 June 2012 in Rio de Janeiro, Brazil. The Outcome Document *The Future We Want* sets up a number of processes that will shape how the global community addresses sustainable development and the environment. Sections from the Outcome Document with potential implications for legislative changes include the call for green economy policies, the establishment of a process to develop metrics for sustainable development that complement the GDP, the agreement of a ten-year Framework of Programmes on sustainable consumption and production, and the call for national regulatory and policy frameworks that support sustainable development initiatives by business and industry.

### DEVELOPMENTS UNDER THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD)

The Nagoya Protocol on Access and Benefit-sharing was adopted in 2010 by the tenth meeting of the Conference of the Parties (COP 10). It is expected that all EU member states, including the UK, will ratify the Protocol in 2013, making any amendments to national and EU legislation necessary to comply with the Protocol. The Protocol requires parties 'to create conditions to promote and encourage research which contributes to the conservation and sustainable use of biological diversity, particularly in developing countries, including through simplified measures on access for non-

commercial research purposes' (article 8). COP 11 in October 2012 addressed voluntary guidelines for the consideration of biodiversity in environmental impact assessments and strategic environmental assessments in marine and coastal areas. It is expected that Parties to the CBD make necessary alignments to their national (and EU) environmental impact assessment systems to accommodate the guidelines.

### UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)

Among the outcomes of the 2012 meetings in November/December in Doha, Qatar is the agreement, after many years of negotiations, for a second commitment period of the Kyoto Protocol. This requires defined reductions in greenhouse gas emissions from industrialised nations. A new regime is expected to replace the Kyoto Protocol in 2020. In addition, developed countries undertook to make further 'measurable, reportable and verifiable nationally appropriate mitigation commitments or actions'. The conference also agreed to develop institutional arrangements to compensate developing countries for loss and damage caused by slow onset events such as sea-level rise.

### MEMORANDUM OF UNDERSTANDING ON THE CONSERVATION OF MIGRATORY SHARKS

This Memorandum of Understanding under the Convention on Migratory Species was signed by the UK on 18 June 2012. The Agreement commits the signatory states to achieve favourable conservation status for seven shark species listed in the convention Appendices.

## PACIFIC REGIONAL ENVIRONMENT PROGRAMME

In 2012, the UK became a member of the Pacific Regional Environment Programme through the Pitcairn Islands, a British Overseas Territory located in the region. The Strategic Plan 2011-2015 identifies strategic priorities for its members in the areas of climate change, biodiversity and ecosystem management, waste management and pollution control, and environmental monitoring and governance.

## EUROPE

### EU BUDGET

In 2013, Heads of State need to agree the next Multi-annual Financial Framework. The expectation is that the overall budget will be reduced but the 27 Member States will still have to decide how to spend many trillion euros of EU taxpayers' money between 2014-2020. The biggest element of the Budget (c40%) is allocated to the Common Agriculture Policy (see below) and there is a continuing budget line dedicated to nature conservation – LIFE. The budget process is a once in six year opportunity to align European taxpayer spending to public policy priorities, such as environmental protection and tackling climate change.

### REFORM OF THE COMMON AGRICULTURAL POLICY (CAP)

The European Commission published its proposals for reform of the CAP in October 2011. Negotiations to agree reforms are ongoing but progress is slow. The Council of Ministers (Agriculture Council) and the European Parliament must, in parallel, develop their positions on the Commission's proposals: the first time that the CAP has been subject to co-decision. At present, neither has agreed its position and the Irish Presidency of the EU will need to work hard to secure agreement in the Council during the first six months of 2013, to allow a final deal: it might be possible to reach this position in June this year. Outstanding issues include: the flexibility to move funds between Pillar 1 (Direct Payments) and Pillar 2 (Rural Development) and the so-called 'greening' of Pillar 1 (the proposal to make 30% of direct payments subject to greening measures). Member States seem to agree that increased flexibility is required with respect to

environmental measures, suggesting that alternative measures could be introduced by countries, if these would bring about equivalent benefit for the environment and climate as the three practices proposed by the Commission. Delays in reaching agreement on the CAP mean that reforms to the policy will not be introduced until at least 1st January 2015, with 2014 a transition year for both direct payments and rural development programmes.

### REFORM OF THE COMMON FISHERIES POLICY

2013 will also see the completion of review of the Common Fisheries Policy. This is an opportunity to put the environment first to ensure that fish stocks, the marine environment and fisheries can thrive; to set legally binding sustainable fishing levels that cannot be exceeded by law-makers or fishers; to eliminate discards by reducing catches of unwanted fish; and to deliver transparent decision-making and reporting processes to measure performance and properly address overcapacity in the European fleet.

### INVASIVE ALIEN SPECIES (IAS) DIRECTIVE

The approximate annual cost of implementing policy action to address the impacts of IAS has been estimated at between 40 and 190 million. The EU Biodiversity Strategy for 2020 included in its headline targets the pledge to identify and prioritise IAS and their pathways of introduction, to control or eradicate these species, and to manage their entry into the EU thus preventing their establishment. The European Commission ran a consultation on proposals for a dedicated legislative instrument between January and April 2012, although the process of preparing a response stalled towards the end of the year. A draft Directive on IAS was expected, although it is now possible that only a regulation on IAS may be brought forward. The timescale for publication may depend on the priority afforded to this by the Irish Presidency of the EU (January – June 2013).

### DIRECTIVE 2007/2/EC INFRASTRUCTURE FOR SPATIAL INFORMATION IN THE EC (INSPIRE)

This complex Directive on environmental data is aimed at addressing fragmentation, gaps, disconnection and duplication of spatial environmental

data at different scales across Europe. The INSPIRE Directive entered into force in 2007, with the intention to ensure that datasets of spatial environmental information can be accessed easily by public organisations within the EU thereby supporting better environmental policy-making across Member States. The Directive requires common 'Implementing Rules' (IRs) to be adopted by Member States in five areas: metadata; data specifications; network services; data and service sharing; and monitoring and reporting. Work has begun in the UK, with December 2013 marking the end of Phase I. Three so-called 'Services' must be provided by those holding datasets of relevance to ecologists (including soil, land use, habitats, biotopes and species): Discovery (describing the data and services); View (a map representing the data); and Download (allowing the retrieval of the dataset itself). Full implementation of the Directive is anticipated by 2019. There are clear gains to be made through investing in far better care and archiving of existing data and information.

## UNITED KINGDOM AND WESTMINSTER

### MARINE STRATEGY FRAMEWORK DIRECTIVE

This Directive aims to achieve Good Environmental Status (GES) across Europe's seas by 2020. It was transposed into UK law through the Marine Strategy Regulations 2010. Work is ongoing to define indicators (for example seabird breeding success) and targets that enable achievement of GES by 2016. A monitoring programme is being established to monitor progress towards GES, reporting in July 2014. GES in the marine environment is linked to Common Fisheries Policy reform, and to implementation of the Marine & Coastal Access Act.

### NEW RURAL DEVELOPMENT PLANS

Each of the UK administrations will have to agree the design of new Rural Development Plans by the end of 2013. These will, of course, be influenced by the outcome of the CAP negotiations (see above), and will have major implications for the future design and promotion of agri-environment schemes across the UK.

## BUDGET 2013 AND PUBLIC SPENDING REVIEW

It is expected that the Chancellor will announce another Comprehensive Spending Review in the spring Budget statement. Given the ongoing challenge to reduce the deficit, there are likely to be further spending cuts felt across Government Departments, devolved administrations and their agencies.

## OPEN ACCESS PUBLISHING

From 1st April 2013 under a mandate from the Department for Business, Innovation and Skills, all research that is funded by the Research Councils must be published in a journal compliant with the Councils' open access policy. A journal must therefore provide via its own website immediate and unrestricted access to the publisher's final version of the paper and allow immediate deposit of this paper in other repositories without restriction on use. Alternatively, if the publisher does not offer this option, the publisher must allow deposit of manuscripts that include all changes resulting from peer review in other repositories, without restriction on re-use. There can be no longer than delay of six months between a paper being published online and becoming Open Access. In addition the Research Councils UK undergo a Government Triennial Review in the first part of 2013.

## ENGLAND

### FORESTRY PANEL & TRIENNIAL REVIEW OF AGENCIES

Government's response to the Independent Panel on Forestry report is due in January 2013, but is likely to be influenced by the current Triennial Review of the Environment Agency and Natural England. There is a concurrent Defra Triennial Review of the Joint Nature Conservation Committee. The Environment Agency and Natural England Triennial Review, announced in December 2012, and running a public consultation until 4 February 2013, asked two questions: are the functions still required; and, is the delivery model right? Conservation NGOs are urging Defra to use this review to better enable the achievement of ambitions for the environment set out in the Natural Environment White Paper, **Making Space for Nature**, and **Biodiversity 2020**. An option being considered

by Defra for the future is a single environment body combining EA, NE and Forest Services, the last an element of the independent panel's report. The Triennial Review is expected to conclude by the end of March 2013.

### MARINE CONSERVATION ZONES

In December 2012, Biodiversity Minister Richard Benyon announced that 31 out of a provisional list of 127 sites would be designated as Marine Conservation Zones in 2013. The hope and expectation is that more action will be taken to complete the promised comprehensive ecological network of marine protected areas.

### WATER BILL

A Water Bill is likely to begin its passage through Westminster in 2013. The draft Bill "includes measures to strengthen the water sector's ability to respond to the challenges of a growing population and less certain water supplies, and improve the deal it offers to its customers by offering more choice, and driving efficiency and innovation". These build upon the vision Defra set out in the Water White Paper, *Water for Life*, for a "resilient, affordable and sustainable water supply".

### MAJOR INFRASTRUCTURE AND ENVIRONMENT UNIT

Following the 2012 review of the Implementation of the Habitats Regulations, Defra established a new Unit to: publish advice on the circumstances that a competent authority may, or should, adopt the reasoning or conclusions of another competent authority, produce guidance on the key factors that need to be considered for a project to be deemed IROPI ('imperative reasons of over-riding public interest'), including "alternatives" to a plan or project and introduce a new process which will allow developers of nationally significant infrastructure projects to agree evidence plans with relevant statutory nature conservation bodies. This work will continue into 2013 and is overseen by a multi-stakeholder Major Infrastructure and Habitats Group.

### NATURAL CAPITAL COMMITTEE

The Natural Capital Committee, chaired by Professor Dieter Helm, University of Oxford is set to publish its first report for the Treasury into the state of England's natural assets.

## LAW COMMISSION REVIEW OF WILDLIFE LEGISLATION

The Law Commission has been charged with reviewing wildlife laws in England and Wales by Defra and the Welsh Government. The stated aim of the review is 'to make the law work better for all concerned with wildlife.' The desired end point – a new legal framework for wildlife in England and Wales – will determine, for decades to come, how the wildlife we value is protected, conserved, exploited and culled. The Commission will make its recommendations to Defra in 2013 and the expectation is that there will be new legislation in due course.

### TAYLOR REVIEW OF LAND USE PLANNING

The National Planning Policy Framework streamlined most of English national planning policy into a single document of around 50 pages. Government commissioned Lord Taylor to review all the underpinning planning practice guidance, with the aim of parallel streamlining. The Taylor group published their report for consultation in December and comments are due by 15 February 2013. The key recommendation is that there should be a new 'guidance' website where all official government planning practice guidance is gathered in one place, and kept up to date.

### ENERGY BILL

The latest Energy Bill will pass through Westminster in 2013. Energy and Climate Change Secretary, Ed Davey, has presented this as a once in a generation shake up of the energy sector that would ensure we deliver our climate goals whilst keeping electricity affordable. However, there are likely to be difficult discussions over whether to include a commitment to decarbonise the electricity sector by 2030, in line with recommendations from the Committee on Climate Change, and whether to include GHG emissions from international air-travel in the UK's carbon targets.

## SCOTLAND

### MARINE MATTERS

The marine environment will become even more prominent in the legislative news next year. On 14th December 2012 the Scottish Parliament received a report on progress in developing a network of Marine Protected Areas

(MPAs) – equivalent to an area the size of Scotland being created in Scottish waters (which themselves account for 13% of Europe's seas and 61% of UK waters). A consultation exercise in 2013 will finalise plans for the MPA network, as set out in the Marine Act (2010).

### INVASIVE ALIEN SPECIES

In July 2012 new legislation came into force concerning non-native species, with implications for 2013 and beyond. This enables Scotland to adopt the internationally recognised three stage approach to dealing with invasive alien species: prevent release; ensure rapid response; and ensure effective control. The Wildlife and Natural Environment (Scotland) Act 2011 (Commencement No. 4, Savings and Transitional Provisions) Order 2012 deals with non-native provisions, and two further Orders deal with the keeping and releases of certain invasive species, reporting on the presence of some invasives, and the planting of, and catch and release by anglers, of certain species. A *Code of Practice on Non-Native Species* was approved by the Scottish Parliament. This is written to help people who have responsibilities for managing land with non-native plants and animals or who keep them. The courts can have regard to compliance with the Code when considering whether or not a person is liable in criminal proceedings, and this will set precedents in due course.

### THE 2020 CHALLENGE FOR SCOTLAND'S BIODIVERSITY

The Scottish Biodiversity Strategy is being refreshed to reflect the wide range of new ambitions set out in the UNs Convention on Biological Diversity Aichi Targets for 2020, and the EUs Biodiversity Strategy for 2020. The *2020 Scottish Biodiversity Challenge* is in preparation following a public consultation in 2012. It will set out what the government, its agencies, the business sector and the NGOs need to do to secure a healthier state for nature in Scotland. In addition to traditional objectives the strategy includes three themes: (i) securing a much deeper reach for nature into the education, health, transport and other key business sectors; (ii) developing the ecosystem approach more widely and meaningfully; and (iii) developing the concept and applications of 'natural capital' so that society gets better at valuing and restoring nature.

A parliamentary debate and Committee hearings will be held early in 2013 before the 2020 Challenge is published in the spring.

### HABITAT AND LAND USE ISSUES

In 2012, the Conservation (Natural Habitats, &c.) Regulations 1994 were amended to put more responsibility onto the Scottish Ministers and other public agencies for preservation, maintenance and re-establishment of wild bird habitat in the exercise of their functions. The final part of the Wildlife and Natural Environment Act 2011 (on snaring) comes in to effect in 2013. There may be further amendment to the Conservation (Natural Habitats, &c.) Regulations 1994, dependent upon the outcome of a current infraction procedure. The first annual Progress Statement for Scotland's Land Use Strategy was published in 2012, which is setting the agenda for further land use legislation.

### 'BETTER' REGULATIONS

The Better Regulation Bill aims to improve the way regulations are applied in Scotland and address concerns raised by business about regulatory inconsistency. As well as re-enforcing the principles of better regulation, the key tenet of the Bill is that regulators should adopt national standards and systems when applying regulation (the issues causing concern include variation in trading standards, environmental health, alcohol and other business licensing). The Bill proposes a duty to promote economic and business growth in regulatory activity (but without undermining the core purpose of the regulatory body). The section on planning reform is concerned with linking fees to the performance of the local authority (which may present opportunities for capacity building). There is a section rationalising the scope for challenge to Ministers' decisions on infrastructure projects (currently, these decisions are subject to diverse appeal mechanisms linked to various consents).

### WATER-RELATED ISSUES

The Aquaculture and Fisheries Bill aims to ensure that farmed and wild fisheries – and their interactions with each other – continue to be managed effectively, maximising their combined contribution to supporting sustainable economic growth with due regard to the wider marine environment. The Bill is likely to

focus on provisions to better manage fish farms (for example by making sea-lice data more available, and introducing a technical standard for containment), and taking steps to modernise District Salmon Fisheries Boards and freshwater fisheries management. The Bill is expected to have a number of benefits for the natural heritage in these areas. The Scottish Government has developed the Water Resources (Scotland) Bill in order to update the law on the management of Scotland's water resources, to introduce new duties relating to their vision of Scotland as a Hydro Nation and set a legislative framework that will underpin other non-legislative activity. It provides for management agreements for activities to protect or improve the quality of untreated water. It includes proposals that Scottish Water source all its energy needs from on-site renewables, and proposals to abstract large volumes of water (such as for export to England), which could have consequences for local ecosystem health.

### COMMUNITY EMPOWERMENT AND LOOKING FURTHER AHEAD

The Community Empowerment and Renewal Bill is a key vehicle through which the Scottish Government aims to deliver on the main recommendations arising from the Christie Commission review of public service delivery. It aims to support communities to achieve their own goals and aspirations through taking independent action and by having their voices heard in the decisions that affect their area. It will shape work by Community Planning Partnerships (CPPs) on Single Outcome (agreements between the Scottish Government and CPPs which set out how each will work towards improving outcomes for the local people in a way that reflects local circumstances and priorities). Looking further ahead, the Scottish Government has commissioned a review of the Land Reform (Scotland) Act 2003. The Law Commission is preparing recommendations for the UK Government to consolidate the Wildlife and Countryside Act 1981 and its many amendments, with consultation possibly leading to a draft Bill in 2014. Were this to go forward, similar steps could be taken in Scotland (affecting the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011).

## COME TO SCOTLAND!

One rather novel development is the formal designation of 2013 as the Year of Natural Scotland. Visit Scotland, Event Scotland and Scottish Natural Heritage are working on a wide range of activities to attract more people to Scotland to enjoy and benefit from nature – new walking trails, special ‘apps’ for train travellers, profile raising for Scotland’s ‘Big Five’ species and hundreds of events. All of this paves the way for ‘Homecoming Scotland 2014’ and the independence referendum.

## WALES

A number of relevant interconnected policy developments continue in Wales that are of interest to BES members, from overarching sustainable development duties to new approaches to environmental management, planning, and the management of historical sites. Consultations on further environmental legislation and related issues for Wales include proposals for criteria for storing waste metallic mercury safely and a change to the Control of Major Accident Hazards Regulations 1999 (jointly with Defra).

### SUSTAINABLE DEVELOPMENT (WALES) BILL

One Wales: One Planet is the Welsh Government’s Sustainable Development Scheme, made under section 79 of the Government of Wales Act 2006. It sets out the Government’s commitment and approach to placing sustainable development at the centre of everything it does. The introduction of a Sustainable Development Bill will strengthen this approach by placing a legal requirement on organisations delivering public services within Wales to demonstrate that sustainable development principles are at the heart of their thinking. This means that all public bodies will take a long-term approach; work better together; and use evidence when making decisions so that they provide the best value for the people they serve now and in the future. The proposal also includes plans to set up a statutory body to provide sustainable development advice and guidance. The Bill should be introduced to the National Assembly for Wales in autumn 2013.

### ENVIRONMENT (WALES) BILL

This Bill will aim to provide for a more integrated management of the environment in Wales with greater environmental protection, economic and social benefits and for connected purposes. Following the consultation around the Environment Green Paper in January 2012, the Welsh Government launched the Living Wales Programme. This Programme recognises that changes in Welsh society are affecting natural resources – our air, water, and landscapes and wildlife. It is the largest programme the Welsh Government has undertaken and covers both government ways of working and institutional change. Future Welsh Government decisions will consider and balance all the demands put on Welsh natural resources. This involves considering the requirements for the economy, the environment, and for people and communities. The Government is also establishing the new Natural Resources Wales (NRW), or *Cyfoeth Naturiol Cymru*. This body will undertake the current duties of the Countryside Council for Wales, Environment Agency in Wales, and Forestry Commission in Wales. It will also have the potential to undertake further functions currently delivered by other organisations in Wales. It will be expected to apply the ecosystem approach across all its functions. NRW will become operational on 1st April 2013. A White Paper consultation on the Environment Bill is expected later in 2013.

### PLANNING (WALES) BILL

The Independent Advisory Group published their recommendations to the Welsh Government in September 2012. A separate advisory group investigated the use of city-regions in Wales, which is likely to have a strong planning element (see City Regions below). A Planning White Paper will be produced for consultation in 2013. The Planning Bill should be introduced to the National Assembly for Wales in 2015-16.

### CITY REGIONS

An advisory group was set up by the Minister for Business, Enterprise, Technology and Science in November 2011 to consider and report on the potential role of ‘City Regions’ in future economic development in Wales. The group held regular meetings where Members considered a range

of economic and statistical evidence and data as well as presentations on international examples of city regions. The group’s report was published in July 2012 with 22 recommendations, several of which can be considered in the light of a broader cross-government application of the ecosystem approach. The Welsh Government will now consider the group’s recommendations and provide a response.

### ACTIVE TRAVEL (WALES) BILL

A White Paper consultation on proposals to enable more people to walk and cycle and generally travel by more active methods was held in May-August 2012. The Welsh Government wants to make walking and cycling the most natural and normal way of getting about so that more people can experience the health benefits, greenhouse gas emissions can be reduced, and poverty and disadvantage can be addressed. At the same time, these proposals may help the Welsh economy grow, and take steps towards unlocking sustainable economic growth. The Bill should be introduced to the National Assembly for Wales in spring 2013.

### THE MARINE CONSERVATION ZONE PROJECT WALES

The seas and coast of Wales are extremely important to the Welsh way of life. 60% of the Welsh population live and work in the coastal zone. Seventy per cent of the Welsh coastline is recognised for its environmental importance and beauty with three Areas of Outstanding Natural Beauty in Wales. Long-term marine conservation aims were set out in the Environment Strategy for Wales in 2006. The Marine and Coastal Access Act 2009 gave the Welsh Government powers to better protect and manage the marine environment of Wales. These powers include creating Marine Conservation Zones (MCZ) with a current project to identify MCZs in Welsh waters. The first stage consultation and stakeholder engagement exercise on site options were held in May-July 2012 setting out the science behind ten potential highly protected site options and focused on gathering more information about how people use and enjoy the marine environment, how they might be affected by a highly protected designation, and how any effects could be minimised. In November 2012, the Minister for Environment and

Sustainable Development announced additional work to look at the feedback received and consider how to proceed with MCZs in Wales. A Task and Finish Team, composed of members from the Welsh Government and government agencies, will report by April 2013. A new Stakeholder Focus Group was also created to work alongside the Task and Finish Team, and will be used to test ideas and advise on practical solutions.

## NORTHERN IRELAND

### MARINE BILL

The Northern Ireland Marine Bill moves to complete the legislative procedure. At the time of writing, the Environment Committee scrutiny stage has now finished. It is likely that that Northern Ireland Assembly will approve the Marine Bill in early 2013, with the Bill becoming an Act following the granting of Royal Assent. The Bill contains provisions for designating Marine Conservation Zones, enabling legal protection for a range of species and habitats, although it is likely this will underpin extant Special Areas of Conservation and Special Protected Area network. The Northern Ireland Environment Agency has established a new Marine Directorate to coordinate its marine functions.

### PLANNING AND CONSERVATION

Planning Policy Statement Two (PPS2) sets out the Department of Environment's land use planning policies for the conservation of natural heritage in NI. PPS2 embodies Northern Ireland's commitment to sustainable development and to conserving the diversity of habitats and wildlife. PPS2 has been under revision so as to further the Executive's commitment to the biodiversity duty brought in by the 2011 Wildlife and Natural Environment Act. In March 2011 *Draft PPS2 (Revised): Natural Heritage* was published as a driver for this change. Stakeholders had expected the final product in 2012 but publication of the final PPS2 is now expected in the second quarter of 2013.

### CLIMATE CHANGE BILL

The Minister for Environment, Mr Alex Attwood, has long been an advocate of Northern Ireland's positioning itself as a leader in carbon reduction and to that end has proposed the introduction of a Climate Change Bill that includes

challenging targets for greenhouse gas reduction. Independent advice has been sought from the Committee on Climate Change which has subsequently outlined the benefits of bespoke legislation. A stakeholder consultation exercise in summer 2012 allowed Department of Environment to further canvas opinion, and proposals for the Bill are expected in early 2013. The Bill would set out sectoral emission reduction targets, with significant implications for the land use sector.

### FRESH WATER AND FLOOD RISK MANAGEMENT

The 1973 Northern Ireland Drainage Order has been deemed unfit for purpose in this brave new world of climate changing weather patterns. The Department of Agriculture and Rural Development is responsible for flood risk through the Rivers Agency, which is currently delivering the EU Floods Directive. Initial work on making provisions for a new Floods Bill is being carried forward, with departmental officials looking at the *Flood Risk Management (Scotland) Act 2009* which prioritises natural methods of flood abatement. Provisions would likely include making Sustainable Urban Drainage Systems mandatory for every new development, investigating the feasibility of upland-offline flood storage and potentially the creation of wetlands. Preparatory work for the Bill is underway, with further development planning in 2013. The last round of plans (2009-2015) are failing to match the ambition of reaching 68% Good Ecological Status by 2015, with the most recent condition assessment scoring only 28%.

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